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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/081,928

02/20/2002

Isrca Hicks

HICKS-1-1002

2184

25315 7590 05/29/2007  
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EXAMINER

CHAN, KO HUNG

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

05/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/081,928

Applicant(s)

HICKS, ISREAL

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26, 29, 30, 48, 50, 51, 53-55, 57, 58 and 60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26, 29, 30, 48, 50, 51, 53-55, 57, 58, and 60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

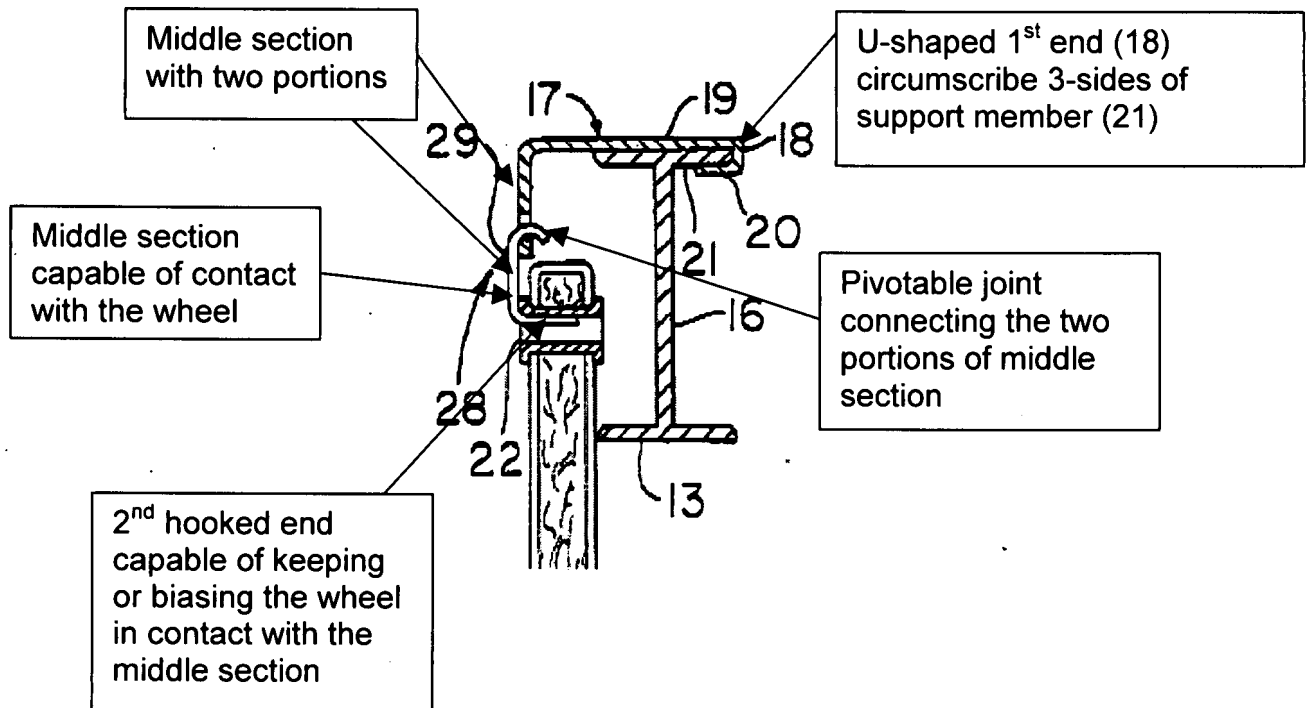
### **DETAILED ACTION**

This is the 9<sup>th</sup> Office action, and the status of current claims are as follows:  
Claims 1-11, 21-25, 27, 28, 31-47, 49, 52, 56, 59, and 61 have been cancelled by applicant. Claims 12-20 stands withdrawn. Claims 26, 29, 30, 48, 50, 51, 53-55, 57, 58, and 60 are pending.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

Claims 26, 29, 30, 48, 50, 51, 53-55, 57, 58, and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Zarnick (US patent no. 5,816,016). Zarnick discloses a hanger (capable of being a tire hanger) made of rigid material comprising a device configured to removably engage a horizontal support member (21), the device having 1<sup>st</sup> U-shaped end (18) circumscribing the horizontal member with a hook and a second hook configuration (see illustration below) capable of suspending wheel in vertical orientation (see orientation of element 24); and a middle section (29) with pivotable joint formed from overlapping parts having a length suitable for engaging the hook configuration with the wheel wherein the weight bearing upon the second end is conveyed through the middle section to the first end to secure the first end on the horizontal support.



Claims 58 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Starling et al (WO 00/55031). Starling discloses a tire hanger (120, figure 4) comprising a hoist wrap section (128) having open end (between the outer pair bolts 136 are opened spaces) arranged to be removably engage with at least three sides (such as adjacent 130, 132, inner pair of bolts 136 which form three sides) of a horizontal support member (26, figure 5) of a vehicle hoist (22, figure 5); a tire hanging section (154) arranged to engage a wheel; and a middle section (150, 156, figure 4) disposed between the hoist wrap section and the tire hanging section, whereby the hoist wrap section is shaped so as to contact and slidably engage the three sides of the horizontal support member. Further, Starling's hoist wrap is inherently can be slidably positionable along the horizontal support member at a user-selected a location when the nuts are

loosened; regarding claim 58 wherein the tire hanging section (154) is a straight member of sufficient length to hold a tire.

### ***Response to Arguments***

Applicant's arguments filed March 8, 2007 have been fully considered but they are not persuasive. As best understood, it appears applicant is not claiming nor intends to claim the hoist, tire, wheel or horizontal member in combination with the support as evidenced in applicant's previously filed remarks. Applicant's argument filed March 8, 2007 that the device of Zarnick is not configured for mounting onto a vehicle hoist as the because Zarnick's U-shaped first end is too narrow to mount a horizontal member of a hoist is not persuasive. Examiner is not aware that a horizontal member of a vehicle hoist has fixed set of shape. Indeed, horizontal member on a hoists can be of a variety of shapes.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
May 23, 2007